

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 30, 2001

DIVISION ONE

B143146 Brower et al. (Not for Publication)
v.
E! Entertainment Television, Inc.

The judgment on the directed verdicts is affirmed. E! Entertainment is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B140740 Fournier et al. (Not for Publication)
v.
Golden Eagle Insurance Company et al.

The summary judgments and the order sustaining Lerner's demurrer to Fournier's cause of action for intentional infliction of emotional distress are reversed, and the cause is remanded to the trial court with directions to enter new orders (1) directing Lerner to file a supplemental answer to the emotional distress cause of action, (2) denying both motions for summary judgment, and (3) setting the case back on track for trial. Citi-Wide and Fournier are awarded their costs of appeal.

Vogel (Miriam A.), J.

I concur: Mallano, J.
I concur: Ortega, Acting P.J. (Opinion)

July 30, 2001-Continued

DIVISION ONE (Continued)

[illegible]

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION TWO

B142911 People (Not for Publication)
v.
Guerra

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
Todd, J.

B137789 Huang (Not for Publication)
v.
Wang

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

DIVISION TWO (Continued)

B140835 Stewart (Not for Publication)
v.
Perkins

The judgment is affirmed. Respondent's request for sanctions is denied. Costs on appeal are awarded to respondent.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

B147497 Devine et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(BNI Franchise Corp., et al., r.p.i.)

Let a writ of mandate issue directing the trial court to set aside its orders granting Dr. Ivan Misner's motion for summary judgment and granting summary adjudication of the promissory fraud and breach of contract counts contained in petitioners' complaint in favor of BNI Franchise and BNI Enterprises. The temporary stay is vacated. Petitioners' appeal from the order granting Misner's motion for summary judgment is dismissed. Real parties to bear the costs of this petition.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION TWO (Continued)

B142969 County of Los Angeles (Not for Publication)
 v.
 Billy Brown

The order under review denying retroactive child support arrears is reversed. The matter is remanded to the trial court with directions to determine the amount of child support arrears based on Brown's ability to pay support. Respondent to bear costs.

Boren, P.J.

We concur: Cooper, J.
 Todd, J.

DIVISION THREE

B134182 Truck Insurance Exchange
 v.
 County of Los Angeles

Filed order vacating submission order of April 18, 2001, due to the press of other court business and the complexity of the issues. Cause resubmitted.

B144393 People (Not for Publication)
 v.
 Arthur Petrosyan

The judgment is modified to award Petrosyan one additional day of presentence custody credit. The clerk of the Superior Court is ordered to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

July 30, 2001-Continued

DIVISION THREE (Continued)

B143389 People (Not for Publication)
v.
Stephen Debouver

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B143083 People (Not for Publication)
v.
Charles Antwan McClain

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B146300 People (Not for Publication)
v.
Toscano

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B143844 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Yolanda H. & Rodney H.

The order is affirmed. Father's appeal is dismissed as abandoned.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B142366 People (Not for Publication)
v.
Embry

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B130995 People (Not for Publication)
v.
Escamilla

The judgment is modified by striking, as to each of counts five and seven, the term of 25 years to life in prison imposed pursuant to the One Strike law, by imposing, as to each of those counts, an upper term of eight years in prison to be served concurrently with all other counts; and by striking, as to each of counts four through seven, the term of 15 years to life in prison imposed pursuant to the One Strike law. In all other respects, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

July 30, 2001-Continued

DIVISION THREE (Continued)

B137320 Chateau Chamberay Homeowners Association
v.
Associated International Insurance Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B140869 People (Not for Publication)
v.
Huerta

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B134315 Martinez (Not for Publication)
v.
City of Azusa

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B143892 People (Not for Publication)
v.
Derry Ross

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Willhite, J. (Assigned)

B134878 Terry Finegan (Certified for Publication)
v.
County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B141694 Edward Casey (Not for Publication)
v.
Diane Casey

The judgment is reversed. Wife is entitled to costs on appeal.

Willhite, J. (Assigned)

I concur: Turner, P.J.
I dissent: Armstrong, J. (Opinion)

DIVISION FIVE (Continued)

B149581 William H. (Not for Publication)

v.

Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

Petition denied by opinion. Pursuant to California Rules of Court, rule 24 (d), this petition is made final forthwith.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

B137609 Deborah Hardin

v.

James Hardin

Filed order denying petition for rehearing.

DIVISION SIX

B145515 Hazen (Not for Publication)

v.

Schreiber, M.F.C.C.

The judgment is reversed insofar as it dismisses the first, second and fifth causes of action (negligent infliction of emotional distress, professional negligence and intentional infliction of emotional distress). We remand the case to the trial court with instructions to reinstate those causes of action. Costs on appeal are awarded to appellant.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

July 30, 2001-Continued

DIVISION SIX (Continued)

B136451 People (Not for Publication)
v.
Yarikov

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B136807 Baltayan (Not for Publication)
v.
Getemyan

The judgment is reversed and remanded. Each party to bear their own costs.

Boland, J. (Assigned)

I concur: Lillie, P.J.
I dissent: Johnson, J. (Opinion)

B148154 German (Not for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Let a peremptory writ of prohibition issue directing the respondent court to dismiss count 2 of the pending information charging defendant with conspiracy to commit murder.

Woods, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B141370 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Gloria W.

In re Danone, a minor

The order is affirmed.

Woods, J.

I concur: Lillie, P.J.

I dissent: Johnson, J. (Opinion)

B145735 Adbox, Inc.

v.

Metcalf

B147039 Adbox, Inc.

v.

Metcalf

Filed order consolidating above captioned appeals.